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PATENT

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Date: October 29, 2004

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Attorney Docket No. IR 3665 NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zerafati

Group Art Unit: 1711

Serial No.: 10/010,636

Examiner: MULLIS, Jeffrey C

Filed : November 5, 2001

For : "Impact Modifier Combination for Polymers"

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Restriction Requirement and Election Requirement dated October 12, 2004, for which the Examiner has set a one-month period for response, thus making the response due on or before November 12, 2004. The Examiner contends that Applicant's claims are directed to more than one patentably distinct species. Applicant respectfully traverses the Restriction Requirement.

To be responsive to the Restriction Requirement under 35 U.S.C. § 121, Applicant elects with traverse:

- 1) In Claim 1 a core composed of a copolymer of n-alkyl acrylate.
- 2) In Claim 1 a shell composed of a copolymer of n-alkyl acrylate.

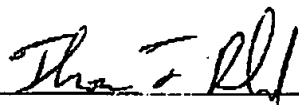
- 3) In Claim 1, the linear terpolymer (B) contains a heterocycle containing one oxygen atom as the hetero-atom. The heterocycle is selected to interact with the thermoplastic in such a way as to increase compatibilization and thus allow for excellent dispersion. The glycidyl residue heterocycles are especially useful with polyesters and polyester alloys, while a maleic anhydride heterocycle is preferred with a polyamide.
- 4) In claim 11 a thermoplastic polymer selected from the group consisting of polyamides, polyesters, and alloys of polyesters and polycarbonates.

If the limitation on the thermoplastic polymer selected in 3) above must be limited even further, then Applicant elects polyesters and alloys thereof – in which case the heterocycle to be used to facilitate the Examiner's search would be a glycidyl residue heterocycle..

According to MPEP §803, if there is no serious burden on the part of the Examiner to examine the entire subject matter set forth in the patent application, then the Examiner must proceed with doing so even if the application is drawn to multiple inventions. In the present invention, each of the claims relates to Applicant's discovery that a specific blend of two specific types of impact modifiers (a core-shell impact modifier having specific compositions and a linear terpolymer impact modifier of ethylene, a lower alkylacrylate and a heterocycle monomer having an oxygen atom as the hetero-atom) offer unexpected impact strength and a composition having acceptable melt viscosity for injection molding purposes. Accordingly, a search, for instance, of the impact modifier blend of claim 1 would clearly involve a search of a composition blend of a core shell polymer and a linear terpolymer.

At the very least, the impact modifier blend of the invention is useful in any thermoplastic, and the election above is simply being responsive to the Examiner's request, but is not needed. Applicant has a difficult time understanding how an examination of claim 1 would not also encompass an examination of claim 11.

Respectfully submitted,



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Date: 10/29/04

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